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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 19, 2001

APPLICATION OF

AMERICAN FIBER SYSTEMS VA, INC.

CASE NO. PUC000324

For certificates of public  
convenience and necessity to  
provide local exchange and  
interexchange telecommunications  
services

FINAL ORDER

On December 6, 2000, American Fiber Systems VA, Inc.  
("American Fiber" or the "Company"), filed an application for  
certificates of public convenience and necessity with the State  
Corporation Commission ("Commission") to provide local exchange  
and interexchange telecommunications services throughout the  
Commonwealth of Virginia. The Company also requested authority  
to price its interexchange telecommunications services on a  
competitive basis pursuant to § 56-481.1 of the Code of  
Virginia.

By Order dated January 17, 2001, the Commission directed  
the Company to provide notice to the public of its application,  
directed the Commission Staff to conduct an investigation and  
file a Staff Report, and scheduled a public hearing to receive  
evidence relevant to American Fiber's application. On January  
31, 2001, American Fiber filed proof of service of the notice of

the Company's application on all current local exchange and interexchange carriers certificated in the Commonwealth. On March 8, 2001, American Fiber filed proof of publication in newspapers having general circulation throughout the Company's proposed service territory.

On March 19, 2001, the Staff filed its Report finding that American Fiber's application was in compliance with the Rules Governing the Offering of Competitive Local Exchange Telephone Service ("Local Rules") and the Rules Governing the Certification of Interexchange Carriers ("IXC Rules"). Based upon its review of American Fiber's application, the Staff determined it would be appropriate to grant the Company certificates to provide local exchange and interexchange telecommunications services subject to three conditions. First, should American Fiber collect customer deposits, the Company shall establish and maintain an escrow account, held by an unaffiliated third party, for such funds and shall notify the Division of Economics and Finance of the escrow arrangement. Any escrow arrangement established by American Fiber shall be maintained for such time as the Staff or Commission determines is necessary. Second, the Company shall provide audited financial statements of its parent, American Fiber Systems, Inc., to the Division of Economics and Finance no later than one (1) year from the effective date of American Fiber's initial

tariff. Finally, at such time as voice services are initiated by the Company, American Fiber shall comply with all requirements of § C (Conditions for certification) of the Local Rules.

A hearing was conducted on March 28, 2001. At the hearing, the application and accompanying attachments and the Staff Report were entered into the record without objection. No public witnesses appeared.

NOW THE COMMISSION, having considered the application and the Staff Report, finds that the Company should be granted certificates to provide local exchange and interexchange telecommunications services. Having considered § 56-481.1, the Commission further finds that the Company may price its interexchange telecommunications services competitively.

Accordingly, IT IS ORDERED THAT:

(1) American Fiber Systems VA, Inc., is hereby granted a certificate of public convenience and necessity, No. TT-147A, to provide interexchange telecommunications services subject to the restrictions set forth in the Commission's Rules Governing the Certification of Interexchange Carriers, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(2) American Fiber Systems VA, Inc., is hereby granted a certificate of public convenience and necessity, No. T-551, to provide local exchange telecommunications services subject to

the restrictions set forth in the Rules Governing the Offering of Competitive Local Exchange Telephone Service, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(3) Pursuant to § 56-481.1 of the Code of Virginia, the Company may price its interexchange telecommunications services competitively.

(4) The Company shall provide tariffs to the Division of Communications that conform to all applicable Commission rules and regulations.

(5) Should American Fiber collect customer deposits, the Company shall establish and maintain an escrow account, held by an unaffiliated third party, for such funds and shall notify the Division of Economics and Finance of the escrow arrangement. Any escrow arrangement established by American Fiber shall be maintained for such time as the Staff or Commission determines is necessary.

(6) The Company shall provide audited financial statements of its parent, American Fiber Systems, Inc., to the Division of Economics and Finance no later than one (1) year from the effective date of American Fiber's initial tariff.

(7) At such time as voice services are initiated by the Company, American Fiber shall comply with all requirements of § C (Conditions for certification) of the Local Rules.

(8) There being nothing further to come before the Commission, this case shall be dismissed and the papers filed herein placed in the file for ended causes.